

AMENDED IN ASSEMBLY JUNE 20, 2012

AMENDED IN ASSEMBLY MAY 21, 2012

SENATE BILL

No. 1577

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cannella, Evans, Fuller, Kehoe,
La Malfa, Padilla, Simitian, and Wolk)**

March 19, 2012

An act to amend Sections 523, 525, and 526 of the Harbors and Navigation Code, and to add Section 5.6 to Chapter 74 of the Statutes of 1978, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1577, as amended, Committee on Natural Resources and Water. Resources: vessels: removal: public trust lands: City of Newport Beach.

(1) Existing law authorizes any peace officer, as described, or any lifeguard or marine safety officer employed by a county, city, or district, while engaged in the performance of official duties, to remove and, if necessary, store a vessel, as defined, removed from a public waterway under specified circumstances. Existing law specifies one of those circumstances is that the officer arrests a person operating or in control of the vessel for an alleged offense and the officer is, by other provisions of law, required to take, and does take, the person arrested before a magistrate without unnecessary delay. The public entity may recover the costs incurred in removing a vessel under this provision through an action in the court.

This bill would specify that the removal and storage may be taken as an immediate action and without notice. The bill would delete the condition, under that specified circumstance, that the officer is required to take, and takes, the person before a magistrate. The bill would allow

the costs incurred by a public entity also to be recovered through the use of any available administrative remedy.

~~(2) Existing law makes it an infraction, with a minimum \$1,000 fine, and maximum \$3,000 fine, for a person to abandon a vessel upon a public waterway or public or private property, as specified, and provides that 80% of the moneys collected as fines be deposited in the Abandoned Watercraft Abatement Fund. Upon appropriation by the Legislature, moneys in the fund may be used for specified grants and other purposes. Existing law prohibits, until January 1, 2014, the state from assuming liability for any injuries or damages to a person or entity, public or private, connected to or resulting from the processing or disposal of a surrendered vessel.~~

~~This bill would additionally authorize the money to be expended by the Department of Boating and Waterways for removal of abandoned vessels and other navigational hazards. The bill would revise the prohibition against assuming liability provision to also prohibit any city, county, or special district or any designated agent or employee thereof and to apply to any injuries or damages to a person or entity, connected to or resulting from the nonremoval, removal, processing, or disposal of abandoned property, wrecked or dismantled vessels, the parts thereof, or any other partially submerged objects that pose a hazard to navigation. The bill would similarly revise these provisions as they apply to a surrendered vessel, until January 1, 2014.~~

~~(3) Existing law authorizes a public agency to sell or otherwise dispose of wrecked property that is an unseaworthy derelict or hulk, or abandoned property, removed from a navigable waterway, as specified; subject to specified conditions, including that the property has been appraised by disinterested persons as having an estimated value of less than \$2,000, and that not less than 72 hours before the property was removed, a notice was attached. Existing law requires the notice of removal to include specified information, including the right of the registered or legal owner to request a hearing, which is required to be conducted in a specified manner. The proceeds of any sale are required to be deposited in the Abandoned Watercraft Abatement Fund, for providing grants to local agencies.~~

~~This bill would delete all of the specified conditions necessary for a public agency to sale or dispose of the wrecked or abandoned property and would instead allow a public agency to take title to abandoned property for the sole purpose of abatement, without assuming any liability, and without satisfying any lien on the property, and to cause~~

~~the property to be sold, destroyed, or otherwise disposed of in any manner it determines is expedient or convenient. The public agency would be required to use reasonable means to identify and locate the owner and any lienholder and to provide notice, as specified. The bill would authorize the public agency to recover specified costs in a court action or by any available administrative remedy. The bill would also allow the public agency, if the abandoned property is sold, to recover its costs from the proceeds of the sale and to deposit any additional funds into the Abandoned Watercraft Abatement Fund, which would be authorized to be expended for removal and disposal actions and other purposes, including, until January 1, 2014, with regard to surrendered vessels.~~

~~(4)–~~

(1) Existing law grants to the City of Newport Beach all tide and submerged lands, whether filled or unfilled, bordering upon and under the Pacific Ocean or Newport Bay, as described, subject to specified conditions.

This bill would grant and convey in trust to the City of Newport Beach in the County of Orange all the right, title, and interest of the State of California, subject to the city’s statutory trust, acquired and held by the state pursuant to a specified agreement approved by the State Lands Commission, as described.

(2) *This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Newport Beach.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 523 of the Harbors and Navigation Code~~
2 ~~is amended to read:~~
3 ~~523. (a) Any peace officer, as described in Section 663, or any~~
4 ~~lifeguard or marine safety officer employed by a county, city, or~~
5 ~~special district while engaged in the performance of official duties,~~
6 ~~may take immediate action, without notice, to remove a vessel,~~
7 ~~and, if necessary, store a vessel removed, from a public waterway~~
8 ~~under any of the following circumstances:~~
9 ~~(1) When the vessel is left unattended and is moored, docked,~~
10 ~~beached, or made fast to land in a position that obstructs the normal~~
11 ~~movement of traffic or in a condition that creates a hazard to other~~

1 vessels using the waterway, to public safety, or to the property of
2 another.

3 ~~(2) When the vessel is found upon a waterway and a report has~~
4 ~~previously been made that the vessel has been stolen or a complaint~~
5 ~~has been filed and a warrant thereon issued charging that the vessel~~
6 ~~has been embezzled.~~

7 ~~(3) When the person or persons in charge of the vessel are by~~
8 ~~reason of physical injuries or illness incapacitated to an extent as~~
9 ~~to be unable to provide for its custody or removal.~~

10 ~~(4) When an officer arrests any person operating or in control~~
11 ~~of the vessel for an alleged offense.~~

12 ~~(5) When the vessel interferes with, or otherwise poses a danger~~
13 ~~to, navigation or to the public health, safety, or welfare.~~

14 ~~(6) When the vessel poses a threat to adjacent wetlands, levies,~~
15 ~~sensitive habitat, any protected wildlife species, or water quality.~~

16 ~~(7) When a vessel is found or operated upon a waterway with~~
17 ~~a registration expiration date in excess of one year before the date~~
18 ~~on which it is found or operated on the waterway.~~

19 ~~(b) Costs incurred by a public entity pursuant to removal of~~
20 ~~vessels under subdivision (a) may be recovered through appropriate~~
21 ~~action in the courts of this state or by the use of any available~~
22 ~~administrative remedy.~~

23 ~~SEC. 2. Section 525 of the Harbors and Navigation Code, as~~
24 ~~amended by Section 1 of Chapter 416 of the Statutes of 2009, is~~
25 ~~amended to read:~~

26 ~~525. (a) Except for the urgent and immediate concern for the~~
27 ~~safety of those aboard a vessel, a person shall not abandon a vessel~~
28 ~~upon a public waterway or public or private property without the~~
29 ~~express or implied consent of the owner or person in lawful~~
30 ~~possession or control of the property.~~

31 ~~(b) The abandonment of a vessel in a manner as provided in~~
32 ~~subdivision (a) is prima facie evidence that the last registered~~
33 ~~owner of record, not having notified the appropriate registration~~
34 ~~or documenting agency of any relinquishment of title or interest~~
35 ~~therein, is responsible for the abandonment and is thereby liable~~
36 ~~for the cost of the removal and disposition of the vessel.~~

37 ~~(c) A violation of this section is an infraction and shall be~~
38 ~~punished by a fine of not less than one thousand dollars (\$1,000);~~
39 ~~nor more than three thousand dollars (\$3,000). In addition, the~~
40 ~~court may order the defendant to pay to the agency that removes~~

1 and disposes of the vessel the actual costs incurred by the agency
2 for that removal and disposition.

3 (d) ~~Fines imposed and collected pursuant to this section shall~~
4 ~~be allocated as follows:~~

5 (1) (A) Eighty percent of the moneys shall be deposited in the
6 Abandoned Watercraft Abatement Fund, which is hereby created
7 as a special fund. Moneys in the fund shall be used exclusively,
8 upon appropriation by the Legislature, by the department for the
9 removal of abandoned vessels and other navigational hazards, and
10 for grants to be awarded by the department to local agencies for
11 the abatement, removal, storage, and disposal as public nuisances
12 of any abandoned property as described in Section 522 or for the
13 disposal of surrendered vessels as defined in Section 526.1,
14 wrecked or dismantled vessels, or parts thereof, or any other
15 partially submerged objects that pose a substantial hazard to
16 navigation, from navigable waterways or adjacent public property,
17 or private property with the landowner's consent. These grants
18 shall not be utilized for abatement, removal, storage, or disposal
19 of commercial vessels.

20 (B) In evaluating a grant request submitted by a local agency
21 pursuant to subparagraph (A), the department shall place great
22 weight on the following two factors:

23 (i) The existence of an active local enforcement program to
24 control and prevent the abandonment of watercraft within the local
25 agency's jurisdiction.

26 (ii) The existence of a submerged navigational hazard abatement
27 plan at the local level that provides for the control or abatement
28 of water hazards, including, but not limited to, abandoned
29 watercraft, wrecked watercraft, hazardous floating debris,
30 submerged vessels and objects, and abandoned piers and pilings.

31 (C) A grant awarded by the department pursuant to subparagraph
32 (A) shall be matched by a 10-percent contribution from the local
33 agency receiving the grant.

34 (D) As a condition of receiving grant funding pursuant to this
35 paragraph, a local agency shall report to the department data, as
36 deemed appropriate by the department, regarding abandoned and
37 surrendered vessels removed or anticipated for removal pursuant
38 to this article.

39 (2) Twenty percent shall be allocated as set forth in Section
40 1463.001 of the Penal Code.

~~(e) The state and any city, county, or special district or any designated agent or employee thereof, shall not assume liability for any injuries or damages to a person or entity, public or private, connected to or resulting from any of the following:~~

~~(1) The nonremoval, removal, processing, or disposal of abandoned property, wrecked or dismantled vessels, the parts thereof, or any other partially submerged object that poses a hazard to navigation.~~

~~(2) The nonremoval, removal, processing, or disposal of a surrendered vessel, as defined in Section 526.1.~~

~~(f) The department may adopt rules and regulations for the purpose of administering this section.~~

~~(g) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.~~

~~SEC. 3. Section 525 of the Harbors and Navigation Code, as added by Section 2 of Chapter 416 of the Statutes of 2009, is amended to read:~~

~~525. (a) Except for the urgent and immediate concern for the safety of those aboard a vessel, a person shall not abandon a vessel upon a public waterway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.~~

~~(b) The abandonment of a vessel in a manner as provided in subdivision (a) is prima facie evidence that the last registered owner of record, not having notified the appropriate registration or documenting agency of any relinquishment of title or interest therein, is responsible for the abandonment and is thereby liable for the cost of the removal and disposition of the vessel.~~

~~(c) A violation of this section is an infraction and shall be punished by a fine of not less than five hundred dollars (\$500), nor more than three thousand dollars (\$3,000). In addition, the court may order the defendant to pay to the agency that removes and disposes of the vessel the actual costs incurred by the agency for that removal and disposition.~~

~~(d) Fines imposed and collected pursuant to this section shall be allocated as follows:~~

~~(1) (A) Eighty percent of the moneys shall be deposited in the Abandoned Watercraft Abatement Fund, which is hereby created as a special fund. Moneys in the fund shall be used exclusively,~~

1 upon appropriation by the Legislature, by the department for
2 removal of abandoned vessels and other navigational hazards, and
3 for grants to be awarded by the department to local agencies for
4 the abatement, removal, storage, and disposal as public nuisances
5 of any abandoned, wrecked, or dismantled vessels, or parts thereof,
6 or any other partially submerged objects that pose a substantial
7 hazard to navigation, from navigable waterways or adjacent public
8 property, or private property with the landowner's consent. These
9 grants shall not be utilized for abatement, removal, storage, or
10 disposal of commercial vessels.

11 (B) In evaluating a grant request submitted by a local agency
12 pursuant to subparagraph (A), the department shall place great
13 weight on the following two factors:

14 (i) The existence of an active local enforcement program to
15 control and prevent the abandonment of watercraft within the local
16 agency's jurisdiction.

17 (ii) The existence of a submerged navigational hazard abatement
18 plan at the local level that provides for the control or abatement
19 of water hazards, including, but not limited to, abandoned
20 watercraft, wrecked watercraft, hazardous floating debris,
21 submerged vessels and objects, and abandoned piers and pilings.

22 (C) A grant awarded by the department pursuant to subparagraph
23 (A) shall be matched by a 10-percent contribution from the local
24 agency receiving the grant.

25 (2) Twenty percent shall be allocated as set forth in Section
26 1463.001 of the Penal Code.

27 (e) The state and any city, county, or special district, or any
28 designated agent or employee thereof, shall not assume liability
29 for any injuries or damages to a person or entity, public or private,
30 connected to or resulting from the nonremoval, removal,
31 processing, or disposal of abandoned property, wrecked or
32 dismantled vessels, the parts thereof, or any other partially
33 submerged object that poses a hazard to navigation.

34 (f) This section shall become operative on January 1, 2014.

35 SEC. 4. Section 526 of the Harbors and Navigation Code, as
36 amended by Section 3 of Chapter 416 of the Statutes of 2009, is
37 amended to read:

38 526. (a) Notwithstanding any other law, any wrecked property
39 that is an unseaworthy derelict or hulk, abandoned property as
40 described in Section 522, or property removed from a navigable

1 waterway pursuant to Section 523 or 524 that is an unseaworthy
2 derelict or hulk, may be sold or otherwise disposed of by the public
3 agency that removed or caused the removal of the property pursuant
4 to this section, except a surrendered vessel, as defined in Section
5 526.1, may be disposed of immediately upon acceptance by a
6 public agency.

7 (b) (1) The public agency may take title to abandoned property
8 for the sole purpose of abatement, without assuming any liability,
9 and without satisfying any lien on the property, and may cause the
10 property to be sold, destroyed, or otherwise disposed of in any
11 manner it determines is expedient or convenient. The title to
12 property transferred by the public agency by sale or otherwise to
13 third parties shall be clear of any lien or encumbrance.

14 (2) Prior to the disposition of abandoned property pursuant to
15 paragraph (1), the public agency shall use reasonable means to
16 identify and locate the owner and any lienholder. If the owner is
17 located, the public agency shall mail notice to the owner to claim
18 the property by a specified date at least 15 days from the date of
19 the notice.

20 (3) If the owner cannot be located or the owner fails to respond
21 to the mailed notice or fails to claim the property within the time
22 provided or extended, the public agency may direct disposition of
23 the property at a properly noticed public meeting, notice of which
24 shall be given to a known owner and known lienholder and the
25 known owner, known lienholder, or any interested party shall be
26 given the right to appear and be heard prior to the disposition of
27 the property.

28 (c) The public agency's cost of disposing of abandoned property,
29 including staff time and legal and attorney's fees, may be recovered
30 by appropriate action in any court in which an action may be
31 properly brought or by the use of any available administrative
32 remedy.

33 (d) If the abandoned property is sold, the public agency may
34 recover its costs from the proceeds of the sale and any additional
35 funds received shall be deposited into the Abandoned Watercraft
36 Abatement Fund. These funds shall be used solely for additional
37 removal and disposal actions under this section or Section 522,
38 523, 524, 525, or 526.1.

39 (e) It is the intent of the Legislature that this section shall not
40 be construed to authorize the lien sale or destruction of any

1 ~~seaworthy vessel, other than a surrendered vessel as defined in~~
2 ~~Section 526.1, that is currently registered and operated in~~
3 ~~accordance with local, state, and federal law.~~

4 (f) ~~This section shall remain in effect only until January 1, 2014,~~
5 ~~and as of that date is repealed, unless a later enacted statute, that~~
6 ~~is enacted before January 1, 2014, deletes or extends that date.~~

7 SEC. 5. ~~Section 526 of the Harbors and Navigation Code, as~~
8 ~~added by Section 4 of Chapter 416 of the Statutes of 2009, is~~
9 ~~amended to read:~~

10 526. (a) ~~Notwithstanding any other law, any wrecked property~~
11 ~~that is an unseaworthy derelict or hulk, abandoned property as~~
12 ~~described in Section 522, or property removed from a navigable~~
13 ~~waterway pursuant to Section 523 or 524 that is an unseaworthy~~
14 ~~derelict or hulk, may be sold or otherwise disposed of by the public~~
15 ~~agency that removed or caused the removal of the property pursuant~~
16 ~~to this section.~~

17 (b) (1) ~~The public agency may take title to abandoned property~~
18 ~~for the sole purpose of abatement, without assuming any liability,~~
19 ~~and without satisfying any lien on the property, and may cause the~~
20 ~~property to be sold, destroyed, or otherwise disposed of in any~~
21 ~~manner it determines is expedient or convenient. The title to~~
22 ~~property transferred by the public agency by sale or otherwise to~~
23 ~~third parties shall be clear of any lien or encumbrance.~~

24 (2) ~~Prior to the disposition of abandoned property pursuant to~~
25 ~~paragraph (1), the public agency shall use reasonable means to~~
26 ~~identify and locate the owner and any lienholder. If the owner is~~
27 ~~located, the public agency shall mail notice to the owner to claim~~
28 ~~the property by a specified date at least 15 days from the date of~~
29 ~~the notice.~~

30 (3) ~~If the owner cannot be located or the owner fails to respond~~
31 ~~to the mailed notice or fails to claim the property within the time~~
32 ~~provided or extended, the public agency may direct disposition of~~
33 ~~the property at a properly noticed public meeting, notice of which~~
34 ~~shall be given to a known owner and known lienholder and the~~
35 ~~known owner, known lienholder, or any interested party shall be~~
36 ~~given the right to appear and be heard prior to the disposition of~~
37 ~~the property.~~

38 (c) ~~The public agency's cost of disposing of abandoned property,~~
39 ~~including staff time and legal and attorney's fees, may be recovered~~
40 ~~by appropriate action in any court in which an action may be~~

1 properly brought or by the use of any available administrative
2 remedy.

3 (d) ~~If the abandoned property is sold, the public agency may~~
4 ~~recover its costs from the proceeds of the sale and any additional~~
5 ~~funds received shall be deposited into the Abandoned Watercraft~~
6 ~~Abatement Fund. These funds shall be used solely for additional~~
7 ~~removal and disposal actions under this section or Section 522,~~
8 ~~523, 524, or 525.~~

9 (e) ~~It is the intent of the Legislature that this section shall not~~
10 ~~be construed to authorize the lien sale or destruction of any~~
11 ~~seaworthy vessel that is currently registered and operated in~~
12 ~~accordance with local, state, and federal law.~~

13 (f) ~~This section shall become operative on January 1, 2014.~~

14 ~~SEC. 6.~~

15 *SECTION 1.* Section 5.6 is added to Chapter 74 of the Statutes
16 of 1978, to read:

17 Sec. 5.6. (a) There is hereby granted and conveyed in trust to
18 the City of Newport Beach in the County of Orange all the right,
19 title, and interest of the State of California, subject to the city's
20 statutory trust, acquired and held by the state pursuant to the
21 agreement that was approved as Calendar Item 73 of the September
22 1, 2011, State Lands Commission meeting, and which is further
23 described as follows:

24 A PARCEL OF FILLED TIDE AND SUBMERGED LAND
25 AND A PORTION OF SWAMP AND OVERFLOWED LANDS
26 LOCATION NUMBER 3089 PATENT TO JAMES McFADDEN
27 ON MAY 16, 1892, SITUATE IN THE CITY OF NEWPORT
28 BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA,
29 AS DESCRIBED AS FOLLOWS:

30 BEGINNING AT THE INTERSECTION OF THE WESTERLY
31 RIGHT OF WAY LINE OF 15TH STREET (100 FEET WIDE)
32 AND THE UNITED STATES GOVERNMENT BULKHEAD
33 LINE BETWEEN STATION NUMBER 118 AND STATION
34 NUMBER 119, AS SHOWN ON THE MAP ENTITLED
35 "HARBOR LINES —NEWPORT BAY, NEWPORT BEACH,
36 CALIFORNIA," DATED MARCH 20, 1936, FILE NUMBER
37 958, APPROVED BY THE UNITED STATES SECRETARY OF
38 WAR ON MAY 2, 1936, A COPY OF WHICH IS ON FILE IN
39 THE OFFICES OF THE COASTAL PROJECTS SECTION,
40 ENGINEERING DIVISION, UNITED STATES ARMY CORPS

1 OF ENGINEERS, LOS ANGELES DISTRICT; THENCE ALONG
2 SAID WESTERLY RIGHT OF WAY LINE SOUTH $10^{\circ}40'10''$
3 WEST 109.82 FEET TO A POINT WHICH IS 160.00 FEET
4 NORTHERLY FROM THE NORTHEASTERLY CORNER OF
5 LOT 4, BLOCK 115 OF TRACT NO. 234 AS PER MAP FILED
6 IN BOOK 13, PAGES 36 AND 37 OF MISCELLANEOUS
7 MAPS, IN THE OFFICE OF SAID COUNTY RECORDER;
8 THENCE NORTH $79^{\circ}20'30''$ WEST 146.30 FEET; THENCE
9 SOUTH $10^{\circ}39'30''$ WEST 140.00 FEET TO A LINE PARALLEL
10 WITH AND 20.00 FEET NORTH OF THE NORTHERLY LINE
11 OF SAID BLOCK 115; THENCE ALONG SAID PARALLEL
12 LINE NORTH $79^{\circ}20'30''$ WEST 165.12 FEET TO THE
13 NORTHEAST CORNER OF THE LAND DESCRIBED IN THE
14 CITY OF NEWPORT BEACH RESOLUTION NO. 4532,
15 RESOLUTION ORDERING VACATION, RECORDED
16 AUGUST 20, 1956, IN BOOK 3618, PAGE 210 OFFICIAL
17 RECORDS, IN THE OFFICE OF SAID COUNTY RECORDER;
18 THENCE ALONG THE EASTERLY LINE OF SAID LAND
19 DESCRIBED IN SAID DEED SOUTH $10^{\circ}39'12''$ WEST 20.00
20 FEET TO THE NORTHERLY LINE OF SAID BLOCK 115;
21 THENCE ALONG SAID NORTHERLY LINE SOUTH $79^{\circ}20'30''$
22 EAST 20.00 FEET TO THE NORTHWEST CORNER OF LOT
23 10, BLOCK 115 OF SAID TRACT NO. 234; THENCE ALONG
24 THE WESTERLY LINE OF SAID LOT 10 SOUTH $10^{\circ}39'12''$
25 WEST 99.79 FEET TO THE NORTHERLY RIGHT OF WAY
26 LINE OF BALBOA BOULEVARD (100 FEET WIDE); THENCE
27 ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH
28 $79^{\circ}19'20''$ WEST 128.80 FEET TO THE CENTERLINE OF 16TH
29 STREET (40 FEET WIDE, PORTION NOW ABANDONED);
30 THENCE ALONG SAID CENTERLINE NORTH $10^{\circ}38'49''$
31 EAST 70.87 FEET; THENCE NORTH $79^{\circ}15'11''$ WEST 236.74
32 FEET; THENCE NORTH $10^{\circ}44'49''$ EAST 199.43 FEET TO
33 THE BEGINNING OF A NONTANGENT CURVE CONCAVE
34 SOUTHEASTERLY HAVING A RADIUS OF 168.54 FEET, A
35 RADIAL BEARING TO SAID CURVE BEARS NORTH
36 $15^{\circ}20'21''$ EAST; THENCE SOUTHWESTERLY 143.27 FEET
37 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
38 $48^{\circ}42'13''$ TO THE BEGINNING OF A COMPOUND CURVE
39 CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 373.41
40 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH

1 33°21'52" WEST; THENCE SOUTHWESTERLY 79.01 FEET
2 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
3 12°07'24" TO THE BEGINNING OF A COMPOUND CURVE
4 CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 239.54
5 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH
6 45°29'16" WEST; THENCE SOUTHWESTERLY 94.65 FEET
7 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
8 22°38'22" TO THE BEGINNING OF A COMPOUND CURVE
9 CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 113.22
10 FEET, A RADIAL BEARING TO SAID CURVE BEARS
11 NORTH 68°07'38" WEST; THENCE SOUTHWESTERLY 22.09
12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE
13 OF 11°10'47"; THENCE SOUTH 10°41'35" WEST 54.92 FEET
14 TO THE NORTHERLY RIGHT OF WAY LINE OF BALBOA
15 BOULEVARD; THENCE ALONG SAID NORTHERLY RIGHT
16 OF WAY LINE NORTH 79°22'58" WEST 225.76 FEET;
17 THENCE NORTH 10°37'02" EAST 219.64 FEET TO THE
18 BEGINNING OF A NONTANGENT CURVE CONCAVE
19 NORTHEASTERLY HAVING A RADIUS OF 52.74 FEET, A
20 RADIAL BEARING TO SAID CURVE BEARS SOUTH
21 15°22'54" WEST; THENCE NORTHWESTERLY, NORTHERLY
22 AND NORTHEASTERLY 93.91 FEET ALONG SAID CURVE
23 THROUGH A CENTRAL ANGLE OF 102°01'22" TO A POINT
24 OF CUSP WITH A NONTANGENT CURVE CONCAVE
25 NORTHEASTERLY HAVING A RADIUS OF 72.54 FEET, A
26 RADIAL BEARING TO SAID CURVE BEARS SOUTH
27 00°47'02" EAST; THENCE NORTHWESTERLY 42.46 FEET
28 ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF
29 33°31'53" TO THE BEGINNING OF A REVERSE CURVE
30 CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 72.01
31 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS
32 NORTH 32°44'52" EAST; THENCE SOUTHWESTERLY 54.01
33 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE
34 OF 42°58'25" TO THE BEGINNING OF A REVERSE CURVE
35 CONCAVE NORTHWESTERLY HAVING A RADIUS OF 81.24
36 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS
37 SOUTH 10°13'33" EAST; THENCE SOUTHWESTERLY 38.37
38 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE
39 OF 27°03'38" TO THE SOUTHEASTERLY RIGHT OF WAY
40 LINE OF 18TH STREET (40 FEET WIDE); THENCE ALONG

1 SAID SOUTHEASTERLY RIGHT OF WAY LINE NORTH
2 10°36'36" EAST 82.47 FEET TO SAID U.S. BULKHEAD LINE;
3 THENCE ALONG SAID BULKHEAD LINE SOUTH 79°22'11"
4 EAST 1280.68 FEET TO THE POINT OF BEGINNING
5 CONTAINING 6.958 ACRES, MORE OR LESS.

6 (b) There is hereby granted, conveyed, and confirmed in trust
7 to the City of Newport Beach in the County of Orange all the right,
8 title, and interest of the State of California, subject to the city's
9 statutory trust, those lands quieted in the City of Newport Beach,
10 as trustee, and located waterward of the ordinary high tide line
11 between 18th and 19th Streets, as permanently fixed in SCC
12 #40434, filed April 17, 1942, Orange County Recorder's Book
13 1145, page 172.

14 (c) The lease of the lands described in subdivision (a), from the
15 State Lands Commission to the city shall terminate on January 1,
16 2013.

17 (d) The city shall hold, operate, and manage, in trust for the
18 benefit of the statewide public, the public trust lands described in
19 subdivisions (a) and (b) in accordance with the common law public
20 trust doctrine and the terms, trusts, and conditions set forth in
21 Chapter 78 of the Statutes of 1978, as amended by Chapter 728 of
22 the Statutes of 1994, Chapter 317 of the Statutes of 1997, Chapter
23 745 of the Statutes of 2001, and Chapter 361 of the Statutes of
24 2004.

25 *SEC. 2. The Legislature finds and declares that a special law*
26 *is necessary and that a general law cannot be made applicable*
27 *within the meaning of Section 16 of Article IV of the California*
28 *Constitution because of the unique circumstances applicable only*
29 *to the land described in Section 1 of this act.*